

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

<p>IN RE: SOCIAL MEDIA ADOLESCENT ADDICTION/PERSONAL INJURY PRODUCTS LIABILITY LITIGATION</p> <p>This Document Relates To:</p> <p><i>People of the State of California, et al. v. Meta Platforms, Inc., et al.</i></p>	<p>MDL No. 3047</p> <p>Case Nos.: 4:22-md-03047-YGR (PHK) 4:23-cv-05448-YGR</p> <p>JOINT STATUS REPORT ON STATE OF COLORADO'S PRODUCTION OF DOCUMENTS</p> <p>Judge: Hon. Yvonne Gonzalez Rogers Magistrate Judge: Hon. Peter H. Kang</p>
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Dear Judge Kang:

Pursuant to the Court's Text Order of January 15, 2025 (ECF No. 1551), Defendants Meta Platforms, Inc.; Instagram, LLC; Meta Payments, Inc.; and Meta Platforms Technologies, LLC (collectively, "Meta") and the State of Colorado respectfully submit this joint status report for the two Colorado agencies with whom disputes remain, as reported in the Parties' Joint Status Report, dated January 15, 2025 (ECF No. 1559). These two agencies are the Office of the Governor ("Governor") and the Office of State Planning and Budgeting ("OSPB"):

1. "[A] chart which identifies those search terms, if any, these Parties agree on for any custodians"

Meta, Governor, and OSPB have agreed on all search terms, which are attached as Exhibit A.

2. "[A] chart which lists any alternative search methods, such as manual searches or go get 'em searches, these Parties agree on for any custodians which would replace entirely the use of search terms for any such custodians"

Meta, Governor, and OSPB have not agreed on any alternative search methods for the Governor or OSPB.

3. "[A] chart identifying those custodians from each agency the Parties have agreed upon, if any, and a two-column chart identifying by name and title each of those custodians for each such agency Meta has proposed but whom that agency has rejected, and in the second column identifying by name and title each of those custodians each such agency has counterproposed but whom Meta has rejected"

The chart below lists custodians proposed for each of the agencies in dispute.¹

Meta's Proposal	Office of the Governor
Isabella Nathanson, Health Policy Advisory Chief of Staff Deputy Chief of Staff for Legislative and Policy Affairs Policy and Research Communications Director	Isabella Nathanson, Health Policy Advisory

Meta's Proposal	Office of State Planning and Budget
Edmond Toy, Chief of Staff Deputy Director for Budget Budget & Policy Analyst: BHA, CDHS Economist & Budget Analyst: CDE Research and Evidence Based Policy Team	Edmond Toy, Chief of Staff

4. “[A] one-page letter, evenly split between the Parties, which sets forth the arguments from each Party on why they cannot agree on custodians or applicable time period”

Meta's position: On 11/1/24, the Governor and OSPB provided a preliminary list of one potential custodian each from those agencies, and asked to confer about search terms. Meta did so, and in the ensuing months, worked diligently to propose and modify terms (including for technical issues disclosed for the first time on 12/6/24), despite not receiving any hit reports until 12/18/24. Meta has now reached search parameter agreements with all Colorado agencies, except for the Governor and OSPB. Even with the Governor and OSPB, Meta agreed to terms and time period, leaving only custodians in dispute—which after having to reserve rights to raise due to hit report delays,

¹ Meta has not been provided sufficient information to identify the custodians that would provide sufficient coverage of the relevant time period and all relevant topics, but has endeavored to assemble a list of potential custodians by title and role based on publicly available information. Meta reserves all rights.

Meta promptly raised two hours after the agencies agreed to search terms. ECF No. 1430-3 at 4 (reserving before any hit reports); 1482-3 at 10-11 (reserving two days after only hit reports).

The answer is yes. The Governor has been active and vocal about teen mental health issues, including signing bills seeking to improve it. Meta's document requests seek related documents, including any reports or assessments about the causes of youth mental health and well-being issues or any link with social media use, efforts to encourage or discourage youth social media use, social media-related budgets, expenditures, legislation, policies, public communications, and the like. For the Governor, it is difficult to imagine that each of these topics could be covered—for the 12-year time period—by one Health Policy Advisor, without also including individuals involved in communications, policy and research, legislative affairs, or the Governor's Chief of Staff. For the OSPB, it is similarly difficult to imagine that one Chief of Staff would provide topical and temporal coverage, without any budget analysts, directors, or the Research and Evidence Based Policy Team, which focuses on applying evidence-based “analysis in state decision-making processes” for the Governor's office and counts as a major project its assessment of child welfare services.

Colorado Agencies' position: Custodians with responsive documents for the Governor's Office and OSPB were provided to Meta on November 1, 2024. Isabelle Nathanson is the Health Policy Advisor to the Governor's Office and chosen based on her policy portfolio expertise in the areas related to the Meta litigation. Edmond Toy is OSPB's Chief of staff, and he was selected based on the breadth of his responsibilities to that office. Search terms and the time frame are not in dispute. Hit counts against these custodians have already been provided.

Meta did not raise an objection to the number of custodians identified for these agencies until the meet and confer on January 13, 2025. On January 13 -- over two months after these custodians were provided to Meta and well after the agencies ran the relevant hit count reports -- Meta objected to the custodians for the first time, relying on a purported reservation of rights filed in December. While reserving our objection that there remains a disagreement, and while continuing to ask this Court to find that the Governor's office is in compliance with the Court's order, the Governor's Office and OSPB are reviewing Meta's additional proposed custodians first identified on January 15, 2025, to attempt resolution prior to the DMC on January 16, 2025.

5. “[F]or each agency, a chart consisting of two columns which sets forth in the first column each of the search terms (one search term per row) last proposed by Meta as a compromise which was rejected by that agency, and in the second column each of the corresponding counterproposed search terms which were last proposed by that agency as a compromise of this dispute lined up with each of the corresponding Meta proposed search terms, so that the Court may clearly see for each disputed search term for each agency what the final compromise position of each Party was.”

There are no disputes among Meta, Governor, or OSPB over search terms.

Dated: January 15, 2025

Respectfully submitted,

COVINGTON & BURLING LLP

/s/ Ashley M. Simonsen

Ashley Simonsen (State Bar. No. 275203)

COVINGTON & BURLING LLP

1999 Avenue of the Stars

Los Angeles, CA 90067

Telephone: (424) 332-4800

Facsimile: + 1 (424) 332-4749

Email: asimonsen@cov.com

Phyllis A. Jones, *pro hac vice*

Michael X. Imbroscio, *pro hac vice*

Stephen Petkis, *pro hac vice*

COVINGTON & BURLING LLP

One City Center

850 Tenth Street, NW

Washington, DC 20001-4956

Telephone: + 1 (202) 662-6000

Facsimile: + 1 (202) 662-6291

Email: pajones@cov.com

Email: mimbrosio@cov.com

Email: spetkis@cov.com

Paul W. Schmidt, *pro hac vice*

Christopher Y.L. Yeung, *pro hac vice*

COVINGTON & BURLING LLP

The New York Times Building

620 Eighth Avenue

New York, NY 10018-1405

Telephone: + 1 (212) 841-1262

Facsimile: + 1 (202) 662-6291

Email: pschmidt@cov.com

Email: cyeung@cov.com

*Attorneys for Defendants Meta Platforms, Inc.;
Instagram, LLC; Meta Payments, Inc.; and Meta
Platforms Technologies, LLC*

PHILIP J. WEISER

Attorney General
State of Colorado

/s/ Krista F. Batchelder

Krista Batchelder, CO Reg. No. 45066, *pro hac vice*
Deputy Solicitor General
Shannon Stevenson, CO Reg. No. 35542, *pro hac vice*
Solicitor General
Elizabeth Orem, CO Reg. No. 58309
Danny Rheiner, CO Reg. No. 48821
Assistant Attorney Generals
Colorado Department of Law
Ralph L. Carr Judicial Center
Consumer Protection Section
1300 Broadway, 7th Floor
Denver, CO 80203
Phone: (720) 508-6384
krista.batchelder@coag.gov

*Attorneys for Plaintiff State of Colorado, ex rel.
Philip J. Weiser, Attorney General*

ATTESTATION

I, Ashley M. Simonsen, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: January 15, 2025

By: /s/ Ashley M. Simonsen
Ashley M. Simonsen